

EXHIBIT A

PART 2

TruePosition Believes The '144 Patent Is Essential To Practice Part Of The ETSI GSM Standard

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TruePosition's Position

It's an implementation of an option in the GSM standard to use the reverse control channel signal data to implement TDOA; is that right?

A. Yes.

Q. And you believe your '144 patent is essential to that implementation of that option? Right?

A. Yes.

Tr. Joe Sheehan 232:7-13

TruePosition Believes The '144 Patent Is Essential To Practice Part Of The ETSI GSM Standard

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TruePosition's Position

Does, in your view, the patent, the '144 patent, cover time difference of arrival on the control channel?

A. Yes, it does.

Tr. Joe Sheehan 354:10-12

TruePosition Believes The '144 Patent Is Essential To Practice Part Of The ETSI GSM Standard

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Release 6 11 3GPP TS 43.059 V8.3.0 (2007-04)

Not covered by 3GPP

4.2 Standard LCS Methods

4.2.1 Timing Advance

The TA is based on the existing Timing Advance (TA) parameter. The TA value is known for the serving BTS. To obtain TA values in case the MS is in idle mode a special procedure, not noticed by the GSM subscriber (no ringing tone), is set up. The cell-ID of the serving cell and the TA is returned as the result of the TA.

TA may be used to assist all positioning mechanisms.

4.2.2 Enhanced Observed Time Difference (E-OTD) positioning mechanism

The E-GTD method is based on measurements in the MS of the Enhanced Observed Time Difference of arrival of bursts of nearby pairs of BTSS. For E-OTD measurement synchronization, normal and dummy bursts are used. When the transmission frames of BTSSs are not synchronized, the network needs to measure the Real or Absolute Time Differences (RTDs or ATDs) between them. To obtain accurate trilateration, E-OTD measurements and, for non-synchronized BTSSs, RTD or ATD measurements are needed for at least three distinct pairs of geographically dispersed BTSSs. Based on the measured E-OTD values the location of MS can be calculated either in the network or in the MS itself, if all the needed information is available in MS.

4.2.3 Global Positioning System (GPS) positioning mechanism

The Global Positioning System (GPS) method refers to any of several variants that make use of GPS signals or additional signals derived from GPS signals in order to calculate MS position. These variants give rise to a range of optional information flows between the MS and the network. One dimension of variation is where position calculation is performed at: a) MS-based PCF or b) network-based PCF. Another dimension is whether "assistance data" is required - irrespective of where position calculation is performed. Examples of assistance data include differential GPS data; lists of satellites in view based on approximate MS position, etc. A third dimension of variation is closely related to the preceding, namely, the origin and distribution of any assistance data. For example, even while assistance data may be required of a GPS method, it may be optional that the assistance data originates from and is distributed within and by the PLMN, VPLMN, etc.

4.2.4 Uplink Time Difference of Arrival (U-TDOA) positioning mechanism

The U-TDOA positioning method is based on network measurements of the Time Of Arrival (TOA) of a known signal sent from the mobile and received at three or more LMUs. The known signal is the normal bursts generated by a mobile while in the dedicated mode; either on the SDCCH or TCH. The method requires LMUs in the geographic vicinity of the mobile to be positioned to accurately measure the TOA of the bursts. Since the geographical coordinates of the measurement units are known, the mobile position can be calculated via hyperbolic trilateration. This method will work with existing mobiles without any modification.

Covered by 3GPP

5 GERAN LCS Architecture

Figure 1 shows the general arrangement of the Location Service feature. This illustrates, generally, the relation of LCS Clients and servers in the core network with the GERAN. The definition and operation of LCS entities operating in the core network is outside the scope of the present document. The LCS entities within the GERAN communicate with the Core Network (CN) across the A, Gb and Iu interfaces.

Communication among the GERAN LCS entities makes use of the messaging and signalling capabilities of the GERAN.

As part of their service or operation, the LCS Clients may request the location information of Mobile Station, where there may be more than one LCS client. These may be associated with the core network, associated with the GERAN, or operated as part of a MS application or accessed by the MS through its access to an application (e.g. through the Internet).

3GPP DTX 846A

Adequate Remedy At Law

- TruePosition repeatedly expressed a willingness to license Andrew despite being direct competitors
- TruePosition agreed to the ETSI rules that include FRAND licensing
- TruePosition sought only monetary relief for the STC contract despite suing Andrew before the STC shipments even began
- TruePosition's claims of reputational and other harm due to losing the STC deal are irrelevant because damages were awarded

TruePosition Repeatedly Expressed A Willingness To License The '144 Patent

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PTX 7 – December 29, 2000 Letter

2. U.S. Patent No. 5,372,144, July 5, 1994, "Cellular Telephone Location System," relating to the use of time difference of arrival (TDOA) and the reverse control channel (RCC) to locate cell phones.

* * *

Accordingly, we ask that you kindly investigate whether Grayson's Geometrix location system employs TruePosition's patented TDOA and AOA processing methods and systems. If you would like to inquire about a license or need further information, please contact me directly.

PTX 7 at A31-32

DTX 901 – December 3, 2001 Email

Significant to note the importance with which acceptance of U-TDOA into the GERAN specs depends on it being a "Multi-vendor" system. This means that we may need to cooperatively share the concepts and system designs but license the higher-value IPRs, as required to allow other vendors to produce U-TDOA systems. One strategy may be to share the concepts required to produce moderately accurate systems, but retain the high-value algorithms that allow for higher accuracy.

DTX 901 at 2

PTX 364 – April 15, 2002 – Feasibility study to ETSI

TruePosition, Incorporated may hold one or more patents or copyrights that cover information contained in this document. A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

PTX 364 at 3-5

TruePosition Repeatedly Expressed A Willingness To License The '144 Patent

PTX 8 – November 6, 2002 Email

Following our conversation yesterday, listed below are the patents that we anticipate the license would cover. As I mentioned, we would be happy to provide you with copies of any or all of these.

* * *

- 5,327,144 - Cellular Telephone Location System (7/5/1994)

PTX 8 at 1

DTX 45 – November 11, 2002 Email

While having them involved in no way guarantees success, it does have the following benefits:

1. Reduces/eliminates the perception that U-TDOA is a proprietary technology.
2. Adds additional resources to the U-TDOA standardization effort
3. Grayson will (hopefully) leverage additional carrier support and participation

DTX 45 at 1

DTX 224 – January 9, 2003 Email

Situation is that it will help our cause in getting U-TDOA standardized if we report that we are collaborating with Grayson (Because then the major infrastructure vendors will believe that U-TDOA is NOT a proprietary solution). Also, while Allen Telecom (and Grayson) is NOT a 3GPP members, Grayson likely will attend the 3GPP meetings as a delegate of AWS – unquestionably the major vendors will ask this guy whether we are working with Grayson.

DTX 224 at 1

DTX 844A – February 7, 2003

We understand that we all come from different companies that to some extent are competitors and to some extent are customers and suppliers. We all work with the understanding that what we do here is to create a solution that we all benefit from.

DTX 844A at 10-11

**Official Application Form for
ASSOCIATE MEMBERSHIP**

* * *

Cognizant of the Statutes and the Rules of Procedure of ETSI, copies of which have been forwarded to him/her, applies for Associate Membership of ETSI in the category of:

* * *

Commits itself to comply with provisions of the Statutes and Rules of Procedure of ETSI and other decisions taken by the General Assembly, to contribute to the relevant work, to make use of the relevant standards produced to the extent practicable and to support those relevant standards for use as the basis for world standards and recommendations.

* * *

*Pour l'Administration / la Société / l'Organisation,
lu et approuvé*

Date/Le

Signature

1-24-02



ETSI FRAND Licensing Requirements

Section 6.1 – FRAND Licensing

6.1 When an ESSENTIAL IPR relating to a particular STANDARD or TECHNICAL SPECIFICATION is brought to the attention of ETSI, the Director-General of ETSI shall immediately request the owner to give within three months an undertaking in writing that it is prepared to grant irrevocable licences on fair, reasonable and non-discriminatory terms and conditions under such IPR to at least the following extent:

Section 8.1 – No Standardization If Refusal to License

8.1 MEMBERS' refusal to license

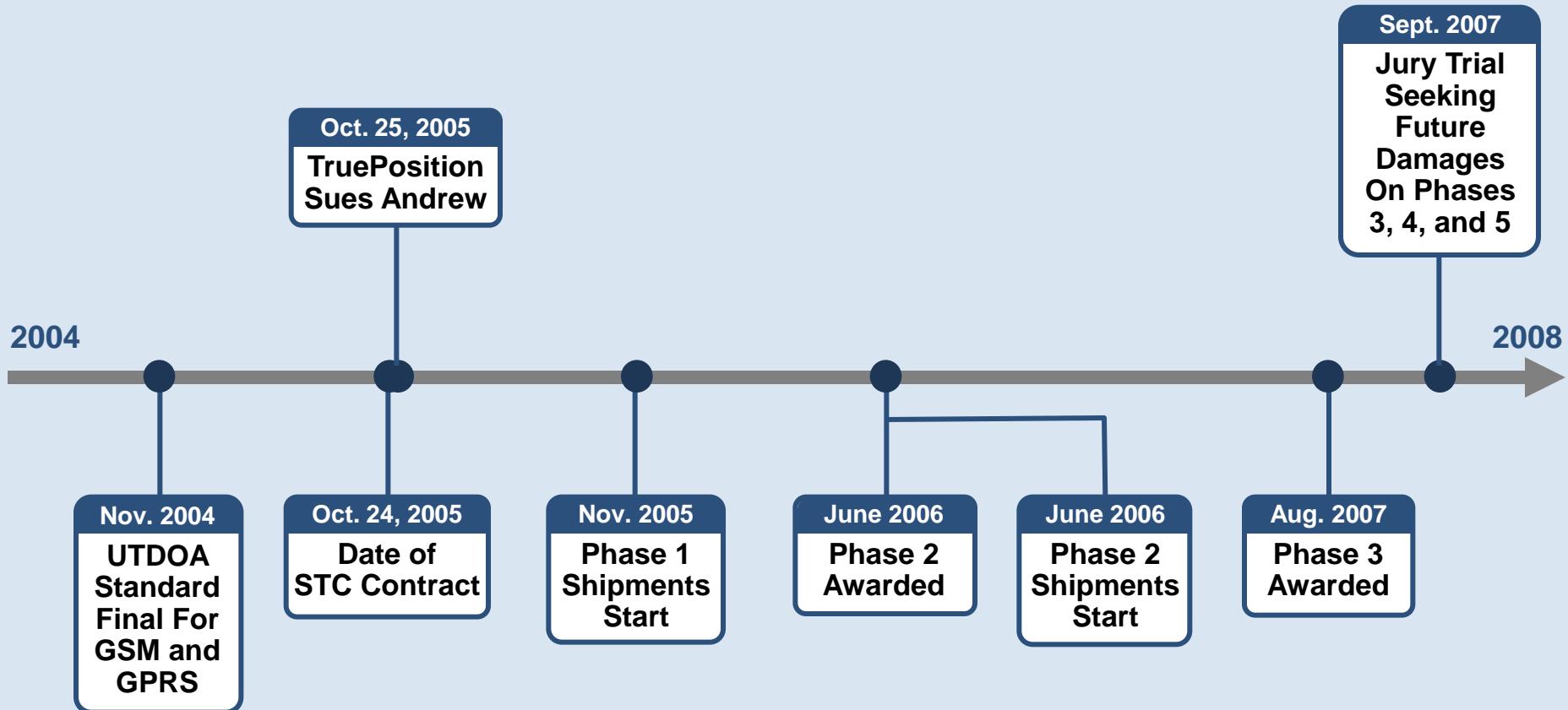
8.1.1 Where a MEMBER notifies ETSI that it is not prepared to license an IPR in respect of a STANDARD or TECHNICAL SPECIFICATION, the General Assembly shall review the requirement for that STANDARD or TECHNICAL SPECIFICATION and satisfy itself that a viable alternative technology is available for the STANDARD or TECHNICAL SPECIFICATION which:

- is not blocked by that IPR; and
- satisfies ETSI's requirements.

8.1.2 Where, in the opinion of the General Assembly, no such viable alternative technology exists, work on the STANDARD or TECHNICAL SPECIFICATION shall cease, and the Director-General of ETSI shall request that MEMBER to

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TruePosition Sought Monetary Damages For Entire STC Contract Despite Suing Before It Even Started



Balance Of Hardship

TruePosition

- Required to honor FRAND license commitment

Andrew

- Cannot sell products that are not standards compliant
- Lost investment in product development
- Lost years of investment in joint development of standard
- Lost ability to develop open standard using available technology as required by ETSI

Q. How, if at all, does conforming to standards matter for your products in their markets?

A. It's absolutely critical that we adhere to standards

* * *

Q. How, if at all, would your location products be impacted if you used non-industry standard technology as opposed to standardized technology?

A. If we didn't adhere to industry standards, we simply wouldn't sell any products.

Garner Testimony; Tr: p.1856, ln 12-14; p. 1856, ln 22-p. 1857, ln 1

Andrew's Lost Investment If An Injunction Is Granted

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Q. And Andrew and TruePosition worked together to build the standard; right?

A. Yes.

Rob Anderson, Tr. 438:21-23

Q. But you are aware over a two-year period they worked together, they worked collaboratively, they traveled together, they ate together, all for the unified goal of presenting these contributions, technical contributions to the third-generation partnership project. Am I right?

A. Yes, that's correct.

Rob Anderson, Tr. 440:13-18

Q. And the way that it worked between our two companies, Andrew and TruePosition, is, we were exchanging ideas and comments and strategy prior to the meetings and at the meetings; right?

A. Yes.

* * * Joe Sheehan, Tr. 293:1-5

Q. And what they were trying to do together collaboratively was get the standards body to adopt U-TDOA and GSM and GPRS; right?

A. Yes.

* * * Id., Tr. 293:17-20

Q. And this joint effort of Andrew and TruePosition was, in fact, successful in November 2004. U-TDOA was accepted by the entire industry worldwide for GSM and GPRS; right?

A. Yes.

Id., Tr. 294:7-10

Andrew's Lost Investment If An Injunction Is Granted

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Meeting #	Date	Exhibit #	ETSI Doc. ID	Subject	Sponsors
14	7-11 April 2003	414	GP-031064	U-TDOA	Andrew, TruePosition and Others
14	7-11 April 2003	414	GP-031032	U-TDOA	Andrew, TruePosition and Others
14	7-11 April 2003	414	GP-031031	U-TDOA	Andrew, TruePosition and Others
14	7-11 April 2003	414	GP-030987	U-TDOA	Andrew, TruePosition and Others
14	7-11 April 2003	414	GP-030656	U-TDOA	Andrew, TruePosition and Others
14	7-11 April 2003	414	GP-030571	U-TDOA	Andrew, TruePosition and Others
14	7-11 April 2003	414	GP-030570	U-TDOA	Andrew, TruePosition and Others
14bis	19-23 May 2003	415	G2-030411	U-TDOA	Andrew, TruePosition and Others
14bis	19-23 May 2003	415	G2-030281	U-TDOA	Andrew, TruePosition and Others
14bis	19-23 May 2003	415	G2-030282	U-TDOA	Andrew, TruePosition and Others
14bis	19-23 May 2003	415	G2-030413	U-TDOA	Andrew, TruePosition and Others
15	23-27 June 2003	416	GP-031657	U-TDOA	Andrew, TruePosition and Others
15	23-27 June 2003	416	G2-031183	U-TDOA	Andrew, TruePosition and Others
15	23-27 June 2003	416	G2-031076	U-TDOA	Andrew, TruePosition and Others
16	25-29 August 2003	417	GP-03XXXX	U-TDOA	Andrew, TruePosition and Others
16	25-29 August 2003	417	GP-031956	U-TDOA	Andrew, TruePosition
16bis	6-10 October 2003	418	G2-030472	U-TDOA	Andrew, TruePosition and Others
16bis	6-10 October 2003	418	G2-030545	U-TDOA	Andrew, TruePosition and Others
16bis	6-10 October 2003	418	G2-030552	U-TDOA	Andrew, TruePosition and Others
16bis	6-10 October 2003	418	G2-030560	U-TDOA	Andrew, TruePosition and Others
16bis	6-10 October 2003	418	G2-030562	U-TDOA	Andrew, TruePosition and Others
17	17-21 November 2003	419	G2-032501	U-TDOA	Andrew, TruePosition
17	17-21 November 2003	419	G2-032502	U-TDOA	Andrew, TruePosition and Others
17bis	12-16 January 2004	420	G2-040055	U-TDOA	Andrew, TruePosition and Others
17bis	12-16 January 2004	420	G2-040056	U-TDOA	Andrew, TruePosition and Others
18	9-13 February 2004	442	S3-040116	U-TDOA	Andrew, TruePosition and Others
18	9-13 February 2004	421	GP-040XXX	U-TDOA	Andrew, TruePosition and Others
18	9-13 February 2004	421	GP-040142	U-TDOA	Andrew, TruePosition and Others
18	9-13 February 2004	421	GP-040144	U-TDOA	Andrew, TruePosition and Others
18	9-13 February 2004	421	GP-040145	U-TDOA	Andrew, TruePosition and Others
18	9-13 February 2004	421	GP-040146	U-TDOA	Andrew, TruePosition and Others
18bis	22-26 March 2004	422	G2-040187	U-TDOA	Andrew, TruePosition and Others
19	19-23 April 2004	423	G2-040634	U-TDOA	Andrew, TruePosition and Others
19	19-23 April 2004	423	GP-040635	U-TDOA	Andrew, TruePosition and Others
19	19-23 April 2004	423	GP-040636	U-TDOA	Andrew, TruePosition and Others
20	21-25 June 2004	425	GP-041273	U-TDOA	Andrew, TruePosition and Others
20	21-25 June 2004	425	GP-041274	U-TDOA	Andrew, TruePosition and Others
20	21-25 June 2004	425	GP-041275	U-TDOA	Andrew, TruePosition and Others
21	23-27 August 2004	426	GP-042140	U-TDOA	Andrew, TruePosition and Others
21	23-27 August 2004	426	GP-041751	U-TDOA	Andrew, TruePosition and Others
21	23-27 August 2004	426	GP-041752	U-TDOA	Andrew, TruePosition and Others
21bis	4-8 October 2004	427	G2-040590	U-TDOA	Andrew, TruePosition and Others
22	8-12 November 2004	428	GP-042572	U-TDOA	Andrew, TruePosition and Others
22	8-12 November 2004	428	GP-042701	U-TDOA	Andrew, TruePosition and Others
22	8-12 November 2004	428	GP-042330	U-TDOA	Andrew, TruePosition and Others
22	8-12 November 2004	428	GP-042332	U-TDOA	Andrew, TruePosition and Others

Open Standard In Compliance With ETSI's Rules

Section 6.1 – FRAND Licensing Requirement

6.1 When an ESSENTIAL IPR relating to a particular STANDARD or TECHNICAL SPECIFICATION is brought to the attention of ETSI, the Director-General of ETSI shall immediately request the owner to give within three months an undertaking in writing that it is prepared to grant irrevocable licences on fair, reasonable and non-discriminatory terms and conditions under such IPR to at least the following extent:

Section 8.1 – No Standardization If Refusal to License

8.1 MEMBERS' refusal to license

8.1.1 Where a MEMBER notifies ETSI that it is not prepared to license an IPR in respect of a STANDARD or TECHNICAL SPECIFICATION, the General Assembly shall review the requirement for that STANDARD or TECHNICAL SPECIFICATION and satisfy itself that a viable alternative technology is available for the STANDARD or TECHNICAL SPECIFICATION which:

- is not blocked by that IPR; and
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8.1.2 Where, in the opinion of the General Assembly, no such viable alternative technology exists, work on the STANDARD or TECHNICAL SPECIFICATION shall cease, and the Director-General of ETSI shall request that MEMBER to

Public Interest

- Open standards benefit the public.
- Integrity of open standardization process is critical to the public interest
- TruePosition's less than candid conduct in the standardization process should not be rewarded.

ETSI's IPR Policy Expressly Covers Options

ETSI IPR Policy

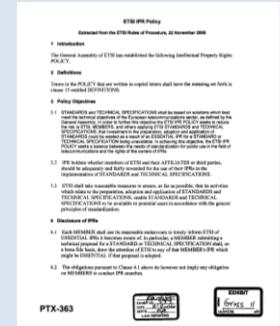
* * *

- 11 "STANDARD" shall mean any standard adopted by ETSI **including options therein** or amended versions and shall include European Standards (ENs) (telecommunications series), ETSI Standards (ESs), Common Technical Regulations (CTRs) which are taken from ENs (telecommunications series) and including drafts of any of the foregoing, and documents made under the previous nomenclature, including ETSSs, I-ETSSs, parts of NETs and TBRs, the technical specifications of which are available to all MEMBERS, but not including any standards, or parts thereof, not made by ETSI.

* * *

- 12 "TECHNICAL SPECIFICATION" shall mean any Technical Specification (TS) adopted by ETSI **including options therein** or amended version including drafts, the Technical Specifications of which are available to all MEMBERS, but not including any technical specifications, or parts thereof, not made by ETSI.

PTX 363 at 6-7



ETSI IPR Policy
PTX 363

ETSI Director General Letter Reminding TruePosition That The Licensing Rules Apply To Options

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Ms Terri BROOKS

TRUE POSITION, INC.
c/o Rob Anderson
1000 Chesterbrook Blvd.
3rd Floor Suite 200
PA 19312, Berwyn
UNITED STATES OF AMERICA

Dear Ms Brooks,

* * *

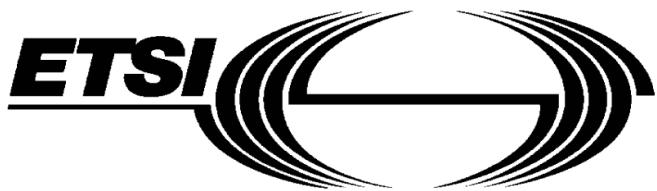
Under the ETSI IPR Policy, I am obliged to bring this matter to your attention to ascertain whether you are of the opinion that you hold essential, or potentially essential, IPRs related to the abovementioned Technical Specifications or options therein.

* * *

Dr. Walter Weigel
Director General

The ETSI General Assembly Reminded All Members That ETSI's IPR Policy Applies to Options

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ETSI/GA50 decisions/actions

Julian Pritchard
5 December 2007
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**ETSI 50th General Assembly meeting
Nice, 27-28 November 2007**

* * *

D-GA50/16

ETSI members are reminded of their obligations to declare IPR under the ETSI IPR Policy, including its existing provisions relating to options.

Openness To All Is A Fundamental Principle Of ETSI Standards

Dieter Kaiser – Former Chairman of ETSI Board

5. It is and has been a fundamental principle of standardization used in ETSI that anyone may use technology that has been incorporated into an ETSI Standard or an ETSI Technical Specification. It does not matter whether the technology is minor or substantial and no matter whether the technology is mandatory or optional to the ETSI Standard or ETSI Technical Specification. No part of a public standard may be off-limits to some but accessible to others.

Karl Heinz Rosenbrock – ETSI Director-General (1990-2006)

8. Another key objective was to ensure that ETSI standards would be accessible by everyone. That is, licenses had to be available to everyone (whether or not an ETSI member) to implement any mandatory or optional feature in a standard. It was a central goal of the ETSI IPR Policy to ensure that IPR owners could not demand excessive license fees or block others from using their IPR once their IPR was included in the standard.

TruePosition's Standards Conduct Should Not Be Rewarded

THE COURT: Well, tell me something. Your company, with the help of Grayson, took the yellow sliver, the U-TDOA, and took it to the standards committee and proposed it, but yet you're saying, because it's policy to use other technology, that your patent isn't essential?

MS. MILSARK: We took the whole wedge.

THE COURT: You took the whole wedge?

MS. MILSARK: The whole wedge is U-TDOA. The whole wedge is what is covered by the U-TDOA location finding mechanism in what we understand to be the standard.

THE COURT: And the fact -- but the fact that the '144 patent only covers part of that -- I mean, it just strikes me that you weren't being completely honest.